

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Small, *et al.*

Confirmation No.: 7442

Serial No.: 10/568,077

Art Unit: 3723

International Application No. PCT/US04/25913

Filed: August 12, 2004

Examiner: To Be Assigned

For: *Periodic Acid Compositions For Polishing Ruthenium/Low K Substrates (as amended)*

Attorney Docket No: 063254-0203-US

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF
NONPROVISIONAL APPLICATION-REQUEST FOR EXTENSION OF TIME**

U.S. Patent and Trademark Office
Randolph Building – Customer Service Window
401 Dulany Street
Alexandria, Virginia 22314
MAIL STOP – MISSING PARTS

Sir:

In response to the Notice to File Missing Parts mailed by the U.S. Patent and Trademark Office on October 18, 2006 transmitted herewith for filing in the subject application are the following documents:

1. Declaration for Non-Provisional Patent Application;
2. Return Copy of the Notice to File Missing Parts.
3. Petition under 37 C.F.R. §1.47

The Declaration has been signed by the following inventors: Mr. Robert Small; Mr. Kenichi Orui; Mr. Steve Aragaki; and Mr. Atsushi Hayashida. One of the other named inventors, Mr. Haruki Nojo, has refused to sign the Declaration. Accordingly, a Petition under 37 C.F.R. §1.47(a) is being submitted herewith to allow the Declaration to be made on behalf the non-signing inventor Mr. Nojo by all the remaining co-inventors of this application. Accordingly, the signature block for Mr. Nojo in the Declaration has been left blank, and upon grant of this Petition, it is requested that such be treated as having been

signed on behalf of Mr. Nojo by all the remaining co-inventors of this application. (*See*, MPEP §409.03(a)).

Additionally, it is respectfully requested that the time for responding to the Notice to File Missing Parts be extended for a period of 5 months from December 18, 2006 to and including May 18, 2006 for which the total fee for a large entity is estimated to be \$2160.00.

The U.S. Patent and Trademark Office is hereby authorized to charge the following required fees to Morgan, Lewis & Bockius LLP Deposit Account No. 50-0310:

1.	Surcharge Fee for Late Filing of Declaration	130.00
2.	Petition for Extension of Time	<u>2160.00</u>
	Total	\$2290.00

The Commissioner is also authorized to charge any additional fees associated with this Response or credit any overpayment to Morgan, Lewis & Bockius LLP Deposit Account No. 50-0310.

The documents and fees submitted herewith complete the filing of the above patent application and justify the filing date of August 18, 2004. An additional copy of this sheet is enclosed for accounting purposes.

Respectfully submitted,

Date: May 17, 2007

Customer No. 09629

1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Phone: (202) 739-3000

Facsimile: (202) 739-3001

Direct: (202) 739-5590



Laba Karki, Ph.D.

55,317

Reg. No.

05/21/2007 MKAYPAGH 00000096 500310 10568077

01 FC:1617 130.00 DA

05/21/2007 MKAYPAGH 00000096 500310 10568077

02 FC:1255 2160.00 DA



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/568,077	Robert J. Small	0632540203US

INTERNATIONAL APPLICATION NO.

PCT/US04/25913

I.A. FILING DATE	PRIORITY DATE
08/12/2004	08/14/2003

009629
MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 20004

CONFIRMATION NO. 7442

371 FORMALITIES LETTER



OC000000020870991

Date Mailed: 10/18/2006

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 02/13/2006
- Copy of the International Search Report filed on 02/13/2006
- Copy of IPE Report filed on 02/13/2006
- Preliminary Amendments filed on 02/13/2006
- Information Disclosure Statements filed on 02/13/2006
- U.S. Basic National Fees filed on 02/13/2006
- Priority Documents filed on 02/13/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large

- \$130 Surcharge.

RECEIVED

OCT 23 2006

MORGAN, LEWIS & BOCKIUS LLP

Docketed 12-23-06 Attorney VAB/DAO/LK
Entity: 63254-0223
Case: 63254-0223
Due Date 12-13-06
Action: Responding to Pats
By: [Signature] Cdk [Signature]

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

FREDERICK SMITH

Telephone: (703) 308-9140 EXT 210

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/568,077	PCT/US04/25913	0632540203US